

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Calverton Street, 20 ft. W of c/l of Frances Place
5718 Calverton Street
1st Election District
1st Councilmanic District
James E. Hartman, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James E. and Denise A. Hartman, for that property known as 5718 Calverton Street in the Catonsville Heights subdivision of Baltimore County. The Petitioners herein request a variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be situated on a separate lot and in the side yard within the third closest to a side street, in lieu of the rear yard and farthest third, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the site plan submitted, the property owned by the Petitioners is divided into two different lots of record. Specifically, lots 16 thru 19 are recorded among the Land Records of Baltimore County under one deed. Lots 20 and 21 are recorded under a separate deed. Section 101 of the B.C.Z.R. requires that an accessory structure must be on the same lot as the principal structure. The house and proposed carport, however, will be located on different lots. Therefore, as a condition of the granting of the relief requested, I shall require the Petitioners to prepare and file, at the Land Records of Baltimore County, a Confirmatory Deed combining the existing properties into one, under a single deed.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of July, 1993 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be situated in the side yard of the same lot within the third of said lot closest to the street, in lieu of the rear yard and farthest third of said lot, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this

Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Prior to the issuance of any permits, the Petitioners shall record and file a copy of a Confirmatory Deed, combining the existing properties into one, under a single deed, at the Land Records of Baltimore County. A copy of the deed shall be submitted to the Zoning Office for inclusion in the case file.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 8, 1993

Mr. and Mrs. James E. Hartman
5718 Calverton Street
Baltimore, Maryland 21228

RE: Petition for Administrative Variance
Case No. 93-414-A
5718 Calverton Street

Dear Mr. and Mrs. Hartman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

Petition for Administrative Variance
93-414-A
to the Zoning Commissioner of Baltimore County
for the property located at 5718 CALVERTON STREET
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (carport) to be situated on a separate lot and in the side yard within the third closest to a side street, in lieu of the rear yard and farthest third of said lot, in accordance with the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Driveway is located on lots 20 and 21. I want to put carport on these two lots, instead of behind the house which would require my car be driven over the grass to the rear of my house.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
James E. Hartman
Type or Print Name
James Edward Hartman
Address
5718 Calverton St.
Catonsville, Md. 21228
City State Zipcode
Attorney for Petitioner:
Type or Print Name
James E. Hartman
Address
5718 Calverton St. 7447860(home)
Catonsville, Md. 21228
City State Zipcode
Name, Address and phone number of representative to be contacted:
James E. Hartman
5718 Calverton St., 747-0809 (work)
City State Zipcode

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of July, 1993, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

Affidavit in support of 93-414-A
Administrative Variance

The undersigned hereby affirm under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe(s) competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 5718 Calverton St.

Catonsville, Md. 21228

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

In order to get to the carport if it were placed where we were told it should be located, we would have to drive over our lawn to the rear of our house. Our driveway is in the rear of lot 21 and our house is on lots 16-17 and 18. We would like to erect our carport where our driveway is and not have to take down trees, ruin our lawn etc. by putting it behind our house. Also there would be the cost of putting down an extended driveway the entire length of lots.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

James Edward Hartman
James Edward Hartman
Denise Anne Hartman
Denise Anne Hartman

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I, DENISE ANNE HARTMAN, do hereby certify, this 24 day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the facts of their petition and the facts hereinabove set forth are true and correct to the best of their personal knowledge and belief.

AS WITNESS my hand and Notarial Seal.
5/24/93

My Commission Expires
5/24/94

Beginning on the north side of Calverton Street, 40 feet wide, at the distance of 20 feet west of the centerline of Frances Place. Being Lots 16-21 of Block 3 in the subdivision of Catonsville Heights, as recorded in Plat Book 6, Folio 178. Also known as 5718 Calverton Street containing .32 acres in the First Election District.

93-414-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Variance
Petitioner: Denise & James Hartman
Location of property: 5718 (W) Calverton St., 20' W of Frances Place
Location of Sign: Being on the W. side of Calverton St. at Frances Pl.
Remarks:
Posted by: M. Schmidt
Number of Signs: 1
Date of Posting: 6/10/93
Date of Return: 6/10/93

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 5/25/93
Account: R-001-6180
Number:
Item Number: 427
Taken In By: JMK
James Hartman - 5718 Calverton Street
010 — \$ 50.00
080 — \$ 35.00
Total \$ 85.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JUNE 7, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: James and Denise A. Hartman
5718 Calverton Street
Catonsville, Maryland 21228

RE: CASE NUMBER: 93-414-A (Item 427)
5718 Calverton Street
83 Calverton Street, 20' x of c/o Frances Place
1st Election District - 1st Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 93-414-A. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before June 11, 1993. The closing date (June 28, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning & Deputy Zoning Commissioners. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioners), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the repeating and newspaper advertising are payable by the petitioner(s).

3) You are advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl John

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 21, 1993

Mr. and Mrs. James E. Hartman
5718 Calverton Street
Catonsville, MD 21228

RE: Case No. 93-414-A, Item No. 427
Petitioner: James E. Hartman, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Hartman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-3-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 427 (MJK)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 10, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petitions:
Item Nos. 427, 429, 431 and 432.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 867-3460.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Kenna*

PK/JL:lw

427-ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee
FROM: Captain Jerry Pfeifer
SUBJECT: June 14, 1993 Meeting

DATE: June 7, 1993

- #425 No Comments
- #426 Building shall comply with the 1991 Life Safety Code
- #427 No Comments
- #428 Building shall comply with the 1991 Life Safety Code
- #429 No Comments
- #430 No Comments
- #431 No Comments
- #432 No Comments

RECEIVED
JUN 8 1993

ZADM

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 9, 1993

(410) 887-4386

Mr. James E. Hartman
5718 Calverton Street
Catonsville, Maryland 21228

RE: Case No. 93-414-A
Property: 5718 Calverton Street

Dear Mr. Hartman:

Reference is made to your letter dated July 15, 1993, which included the deed evidencing your acquisition of the above subject property on July 26, 1984. In that the deed references all six of the subject lots, the restrictions contained within paragraph 2 of my Order is satisfied. I have placed a copy of the deed in the zoning case file, as required.

Please call me if you have any questions regarding this matter.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt

LES:mmm

93-414-A = 427
Note to the Hearing Officer:

The subject property is a combination six lots on two different tax account numbers. Since the proposal caput is on only two of those lots, I included a Section 101 variance. It should not be a problem unless the property is subdivided. Any questions, let me know.

Mark H. Kellman
5/25/93

James E. Hartman
5718 Calverton St.,
Baltimore, Md. 21228

July 15, 1993

Baltimore County Zoning
Suite 113, Courthouse
400 Washington Ave.,
Towson, Md. 21204

Dear Mr. Lawrence E. Schmidt,

Enclosed please find a copy of my deed file #7687-84. I would like to know if this will meet the requirements in paragraph #2 of your letter listing the findings of fact and conclusions of law.

RE: Petition for Administrative Variance
Case #93-414-A
5718 Calverton St.,
Catonsville, Md. 21228

Thank you.

Very sincerely yours

James E. Hartman
James E. Hartman

RECEIVED
23
ZONING COMMISSIONER

8784 001

THIS DEED, Made this 14 day of July, 1984, by and between DONNA L. PITT (now known as Donna L. Reppard), Personal Representative of the Estate of Elizabeth LaFevre, deceased, party of the first part and JAMES E. HARTMAN, party of the second part.

WHEREAS, the said Elizabeth LaFevre departed this life on or about June 21, 1984, seized and possessed of the fee simple property hereinafter described; and

WHEREAS, by her Last Will and Testament, duly filed for probate in the Orphans' Court for Baltimore County and recorded in Estate No. 59068 (Estate Docket No. 59068), the said Elizabeth LaFevre did appoint the said Donna L. Reppard to be the Personal Representative of her estate, with full powers, as therein more fully set forth; and

WHEREAS, the said Donna L. Reppard of the Estate of Elizabeth LaFevre, in exercise and pursuance of the powers contained in the aforesaid Last Will and Testament, did sell the fee simple property hereinafter described unto the said party of the second part, at and for the sum of \$49,500.00; and

WHEREAS, the said party of the second part has well and truly paid unto the said party of first part, Personal Representative as aforesaid, the full sum of \$49,500.00, and is entitled to receive a Deed for the property.

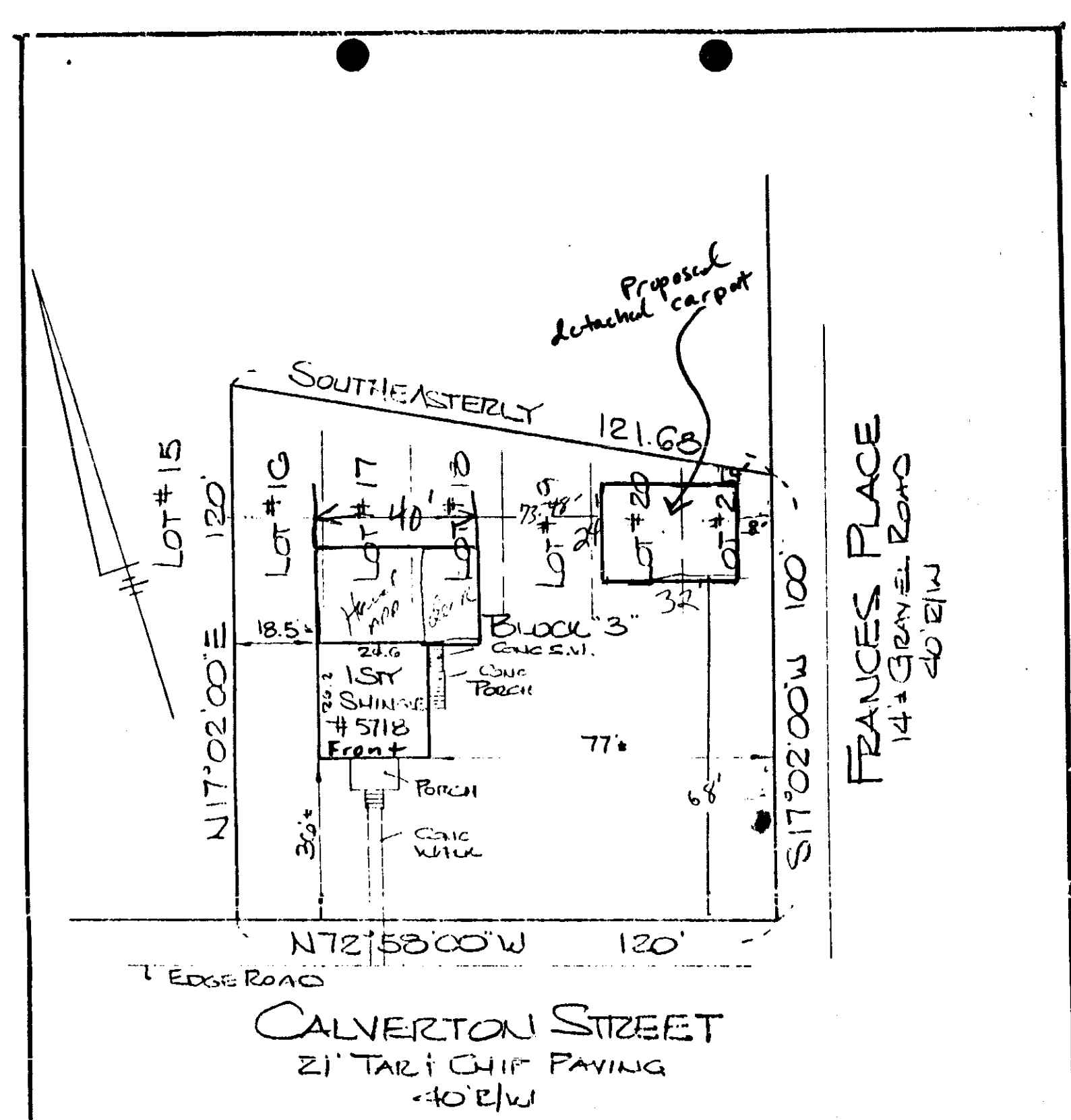
NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the sum of \$49,500.00, being the actual consideration paid for the within conveyance, the receipt of which is hereby acknowledged, the said party of the first part, Personal Representative as aforesaid, in exercise and pursuance of the powers conferred upon her by the aforesaid Last Will and Testament of Elizabeth LaFevre, does hereby grant and convey unto the said party of the second part, his personal representatives and assigns, in fee simple, all those lots of ground situate in Baltimore County, State of Maryland and described as:

Addendum "A" attached hereto.

The improvements thereon being known as No. 5718 Calverton Road.

Calverton Road. 14.00
B T TX 247.50
B DOCS 247.50
DEED 500.00
EOR OR T 113.4
#73051 0004 08/08/84

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature] Sec 11.85
Date 2/11/85



93-414-A

THIS IS TO CERTIFY That The Improvements Indicated Hereon Are Located As Shown. This Is Not A Property Line Survey And Should Not Be Used As Such.

HICKS ENGINEERING COMPANY, INC.
ENGINEERS • SURVEYORS • PLANNERS
232 COCKEYSVILLE ROAD, SUITE B
HUNT VALLEY, MARYLAND 21030
TELEPHONE: 301/628-8066

#5718 CALVERTON STREET
LOTS 10, 17, 18, 19, 20 & 21
BLOCK 3 CATONSVILLE HEIGHTS
BALTIMORE COUNTY PG. 6, PLOU 178.
DATE 4/2/84 SCALE: 1" = 50' FILE: 1235

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 5718 Calverton Street, Catonsville, MD see pages 5 & 6 of the CHECKLIST for additional required information
Subdivision name: Catonsville Heights
Plat book # 126, folio 126, lot 126, section 126 Block 3
OWNER: James E. Hartman & Denise A. Hartman

North
date: 5/21/93
prepared by: [Signature] Scale of Drawing: 1" = 30'

LOCATION INFORMATION
Election District: 01
Councilmanic District: 01
1"=200' scale map: SW 2F
Zoning: O-1
Lot size: 2.31 acreage
Sewer: [X] Water: [X]
Chesapeake Bay Critical Area: [X]
Prior Zoning Hearings: NONE
Zoning Office USE ONLY!
reviewed by: [Signature] ITEM #: 427 CASE#: [Signature]

see attachment

93-414-A

93-414-A

May 28, 1993

#427

5718 Calverton St.,
Catonsville, MD 21228
(410) 741-2001

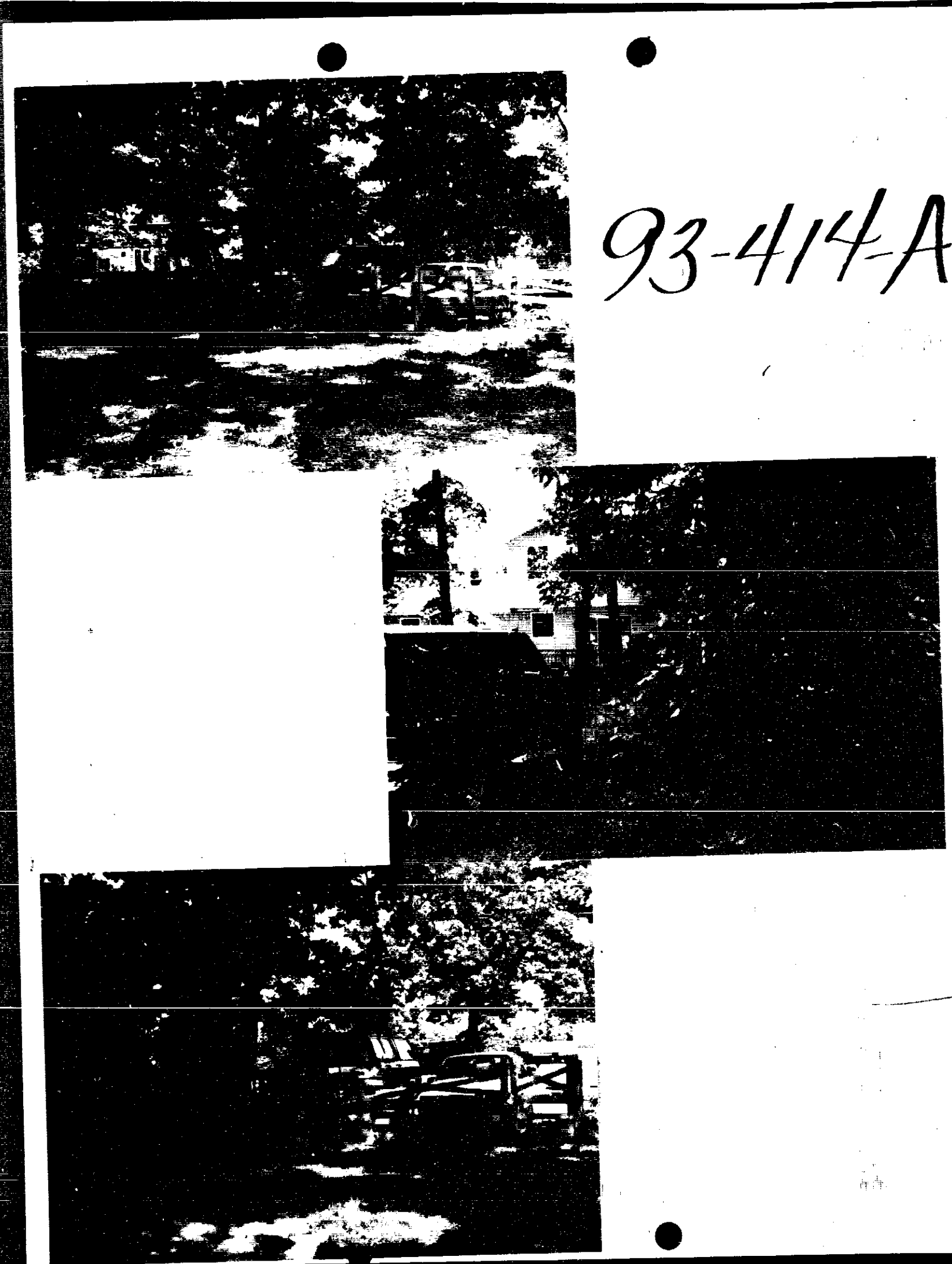
Baltimore County
Office of Zoning
County Office Building
111 West Chesapeake Ave.,
Towson, Md. 21204

Dear Sir,

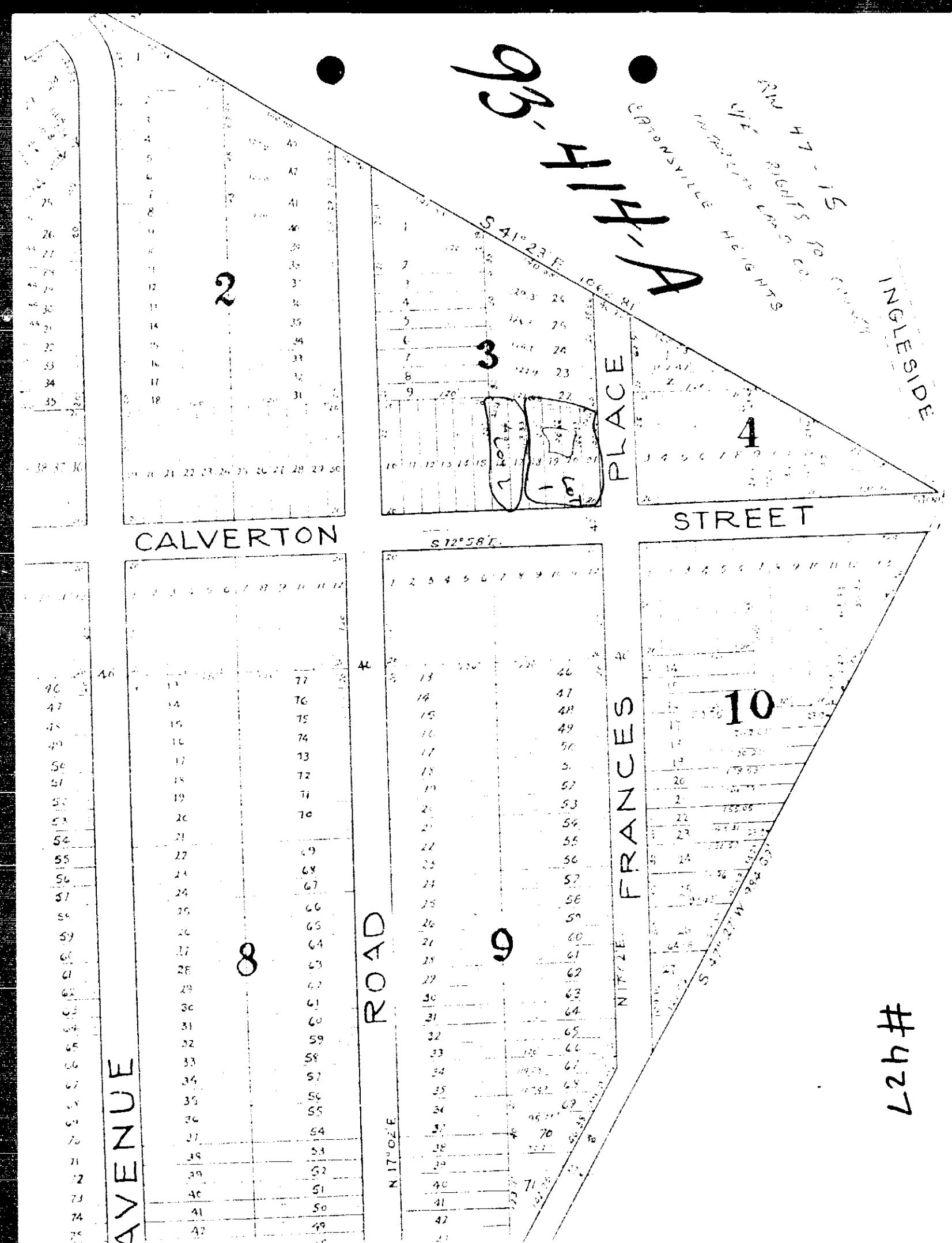
Enclosed please find photos of the location of the carport on lots 20 and 21, at 5718 Calverton St., as requested. Hoping this is what you required.

Respectfully yours

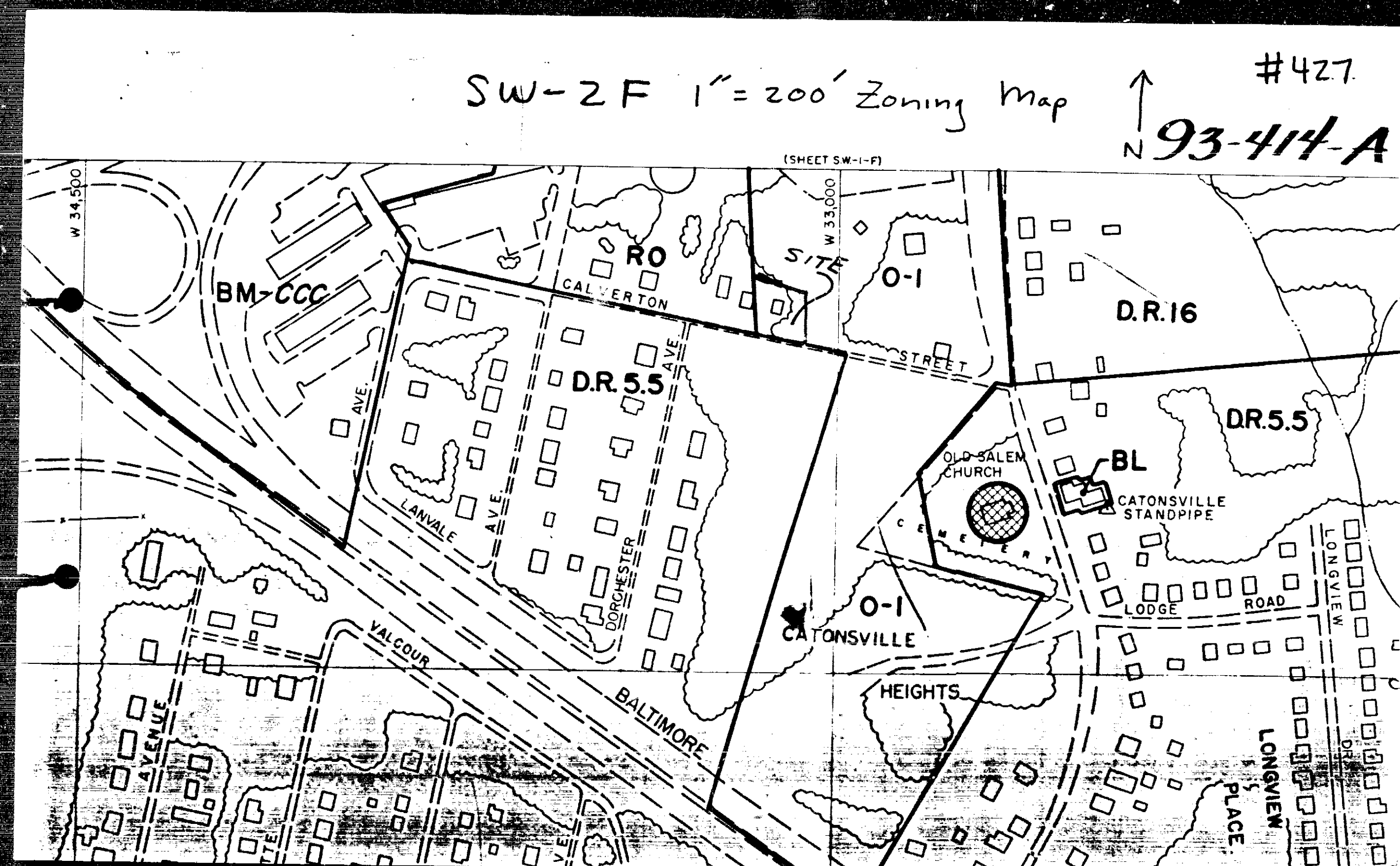
[Signature]
James E. Hartman



93-414-A



#427



#427

93-414-A